

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

JOHN G. MARKEWICZ,	:	
Plaintiff	:	CIVIL ACTION NO. 3:22-1088
v.	:	(JUDGE MANNION)
UNITED STATES OFFICE OF PERSONNEL MANAGMENT,	:	
Defendant	:	

ORDER

Presently before the court is the report of Judge Arbuckle, (Doc. 26), recommending the court grant Defendant United States Office of Personnel Management (OPM) summary judgment in its favor. Neither party filed objections to the report, and the time within which they could do so has passed.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D. Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). In any

event, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

Since the report delineates the factual background of this case, it will not be fully repeated herein. (See Doc. 26 at 2–13). In sum, Plaintiff complains OPM wrongly denied him the ability to carry Option B federal life insurance at five multiples into retirement. Judge Arbuckle reviewed the administrative record below and applicable regulations and “confirm[ed] OPM’s final decision (that Plaintiff is eligible to carry Option B life insurance only at one multiple into retirement) was correct.” (Doc. 26 at 26). Specifically, “Because the lowest multiple of Option B life insurance Plaintiff elected during the five years immediately preceding his retirement was one multiple, Plaintiff is only eligible to carry Option B life insurance into retirement at one multiple.” (Doc. 26 at 26). Accordingly, Judge Arbuckle found, in pertinent part, “OPM’s final decision was not ‘arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.’” (Doc. 26 at 27).

Upon review, the court agrees with the sound reasoning that led Judge Arbuckle to his conclusions in his report and discerns no error of law.

Accordingly, **IT IS HEREBY ORDERED THAT:**

- (1) The report and recommendation of Judge Arbuckle (Doc. 26) is **ADOPTED IN ITS ENTIRETY AS THE OPINION OF THE COURT.**
- (2) Defendant's Motion for Summary Judgment (Doc. 13) is **GRANTED.**
- (3) The Clerk of Court shall **CLOSE this case.**

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: September 26, 2023

22-1088-01